

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF:

AID ORDER NO. 2018-

035

HAROLD HICKS
NPN 2899184
PETITIONER

ORDER

On this day, the matter of the non-resident producer license and resident producer license application of Harold Hicks ("Petitioner") came before Allen Kerr, Arkansas Insurance Commissioner ("Commissioner"). A hearing was held on February 14, 2018, in the First Floor Hearing Room of the Arkansas Insurance Department ("Department") pursuant to a Notice of Hearing dated December 13, 2017. The hearing was held before Chief Deputy Commissioner Russ Galbraith ("Hearing Officer") pursuant to his appointment by the Commissioner in accordance with Ark. Code Ann. § 23-61-103(e)(1). The Department was represented by Gray Allen Turner, Associate Counsel. The Petitioner was not present at the hearing

FINDINGS OF FACT

1. The Commissioner of Insurance has jurisdiction pursuant to the Arkansas Insurance Code, specifically Ark. Code Ann. §§ 23-60-101, *et seq.*
2. Petitioner resides in Garland County, Arkansas.
3. Petitioner was formerly a Texas resident and held a Texas Resident Adjuster license.
4. Respondent holds an Arkansas Non-resident Adjuster License, National Producer Number 2899184

5. Petitioner moved to Hot Springs, Arkansas sometime in 2014. Despite no longer living in Texas, Petitioner maintained his Texas resident adjuster license and in 2016 applied for and was issued an Arkansas non-resident adjuster license using an incorrect Texas address.

6. Petitioner surrendered his Texas resident adjuster's license and no longer holds a home state adjuster or producer license.

7. Petitioner submitted an Uniform Individual Application for License Registration for an Arkansas resident insurance producer license on November 29, 2017.

8. The Department denied Petitioner's producer application on December 20, 2017.

9. Petitioner's Arkansas non-resident adjuster license was suspended on January 3, 2018, in A.I.D. Order 2018-004.

10. Petitioner filed a timely request for a hearing as to both the suspension of his non-resident adjuster license and the denial of his resident producer license application.

11. Petitioner did not attend the hearing.

CONCLUSIONS OF LAW

12. To obtain a insurance producer license Ark. Code Ann. § 23-64-202(a)(2)(C)(i) requires that an applicant must be "deemed by the commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation, and these qualifications must continue in order to remain licensed."

13. Petitioner, as the party requesting an order granting a producer's license, has the burden of proof as per Ark. Code Ann. § 25-15-213(4). Petitioner has failed to present sufficient evidence to meet his burden of proof that he has satisfied the statutory requirements to be an insurance producer as required by Ark. Code Ann. § 23-64-202(a)(2)(C)(i) and § 23-64-506(e)(1).


14. Obtaining or attempting to obtain a license through misrepresentation is a violation of Ark. Code Ann. § 23-64-512(a)(3). Petitioner's failure to provide an accurate address when applying for his non-resident adjuster application was therefore a violation of Ark. Code Ann. § 23-64-512(a)(3)

RECOMMENDATION OF HEARING OFFICER

WHEREFORE, upon consideration of the evidence of record and the foregoing Findings of Fact and Conclusions of Law, the Hearing officer recommends the following:

15. That the Arkansas resident producer license application of Petitioner be denied.

16. That the Petitioner's Arkansas non-resident adjuster license be revoked.




Russ Galbraith
Chief Deputy Commissioner

CERTIFICATION

I, Allen Kerr, Insurance Commissioner for the State of Arkansas, do hereby certify that the above Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer were made by and under my authority and supervision by Russ Galbraith, Chief Deputy Commissioner and Hearing Officer in this proceeding. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendation in full, as set forth herein.

THEREFORE, it is hereby ORDERED that the Arkansas producer license application of Petitioner is denied. The Petitioner's Arkansas non-resident adjuster license is revoked.

IT IS SO ORDERED THIS 20th DAY OF March, 2018.

A handwritten signature in cursive script, appearing to read "Allen Kerr", written over a horizontal line.

ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS